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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Robert Million,

10 Plaintiff,

11 v.

12 Pindernation Holdings LLC, et al.,

13 Defendants.
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No. CV-23-00072-PHX-MTL

ORDER

15 Plaintiff brought this action against his former employer, Pindernation Holdings
16 LLC and Lord Pinderton a/k/a/ Michael Pinder, for alleged unpaid wages and overtime in
17 violation of the Fair Labor Standards Act (“FLSA”) and Arizona wage-and-hour law.
18 Defendants were properly served (Doc. 5, 6) but they did not appear and defend. The Clerk
19 of Court entered default and the Court later entered a default judgment in Plaintiff’s favor.
20 (Doc. 9, 12, 13) Plaintiff moved for an award of attorneys’ fees and costs. (Doc. 14)
21 Defendants failed to respond. The Court has reviewed the Motion, the supporting
22 memorandum and attached documents, including the declaration of counsel, and other
23 documents in the file. The Court’s findings are as follows.

24 1. Plaintiff is the prevailing party. Pursuant to the FLSA, when the plaintiff
25 prevails, “[t]he court in such action shall, in addition to any judgment awarded to the
26 plaintiff or plaintiffs, allow a reasonable attorney’s fee to be paid by the defendant, and
27 costs of the action.” 29 U.S.C.A. § 216(b). Under the Arizona Minimum Wage Act,
28 similarly, “[a] prevailing plaintiff shall be entitled to reasonable attorney’s fees and costs

1 of suit.” A.R.S. § 23-364(G). Because Plaintiff obtained a default judgment against
2 Defendants, he is, therefore, entitled to an award of attorney’s fees.

3 2. Plaintiff’s counsel requests an award of \$4,898.00 in attorneys’ fees for legal
4 work. This amount represents 12.4 hours at \$395 per hour. The Court finds that this rate is
5 reasonable for rates charged by experienced plaintiffs-side employment litigation attorneys
6 in the Phoenix legal market working on a contingency basis. The 12.4 hours expended by
7 counsel was reasonable given the demands of this case, which includes the drafting of the
8 complaint, moving for default judgment, and drafting the instant Motion.

9 3. Plaintiff also asks for an award of \$600.65 in out-of-pocket costs expended
10 by his lawyers. This includes the \$402 filing fee and \$198.65 in service of process fees.
11 The Court finds these costs reasonable and recoverable.

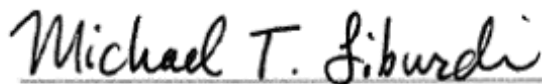
12 3. Finally, Plaintiff seeks an award of \$2,000 representing reasonably
13 anticipated fees and costs of collecting from Defendants on the judgment. The Court finds
14 that the amount requested is reasonable and that it is necessary, given that Defendants have
15 already failed to engage in the judicial process.

16 Accordingly,

17 **IT IS ORDERED** granting Plaintiff’s Motion for Award of Attorneys’ Fees and
18 Costs (Doc. 14) as follows: Plaintiff is awarded \$4,898 in attorneys’ fees, \$600.65 in costs,
19 and an additional \$2,000 for reasonably anticipated collection fees and expenses. The total
20 award is \$7,498.65.

21 **IT IS FURTHER ORDERED** that Defendants Pindernation Holdings LLC and
22 Lord Pinderton are jointly and severally liable for the full \$7,498.65, plus interest accruing
23 at the statutory rate, from the date of this Order.

24 Dated this 22nd day of May, 2023.

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27 Michael T. Liburdi
28 United States District Judge